

## **REMARKS**

### **1.) Claim Amendments**

The Applicant has amended claims 1, 18, and 25. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-12 and 14-29 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 112**

Claims 1-29 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. In response, the Applicant has amended independent claims 1, 18, and 25 to overcome the rejection.

Independent claims 1, 18, and 25 have been amended and now recites sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least a copy of one of the data packets awaiting transmission to the mobile station and unable to be transferred to the second cell radio access node. Support for these amendments is found on page 9, line 26 to page 10, line 14 of the Applicant's specification. No new matter has been added.

The Examiner stated that once packets have been deleted or discarded, there is no support enabling transmission of the discarded or deleted packets. In response, the Applicant has amended the claims to recite that copies of the packets are sent and then the actual data packets are deleted.

In addition, the Examiner stated that claim 1 further recites sending a first message from the SGSN to the first cell radio access node in response to the first message. The Examiner stated there is no enabling such a recitation. In response, the Applicant has amended claim 1 to overcome this rejection.

In claim 18, the Examiner further indicated there is no support a first message from a SGSN by sending a reply message. In response, the Applicant has amended claim 18 to recite first receiving the first message and then, in response to receiving the first message, sending the reply message.

In addition, the Examiner stated that claim 25 recites packets being deleted and then sending the deleted packets. In response, the Applicant has amended the claim to recite sending copies of the packets and then deleting the actual data packets.

Therefore, the Applicant respectfully requests the allowance of claims 1-12 and 14-29.

### 3.) Claim Rejections – 35 U.S.C. § 103 (a)

Claims 1-6, 8-16, 18, 20-26, and 28-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Landais, et al.* (US 2005/0007980 A1) in view of *Munier* (US 2005/0096063 A1). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration. The Applicant has further amended independent claims 1, 18 and 25 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's two references still fail to teach or suggest each and every element of the presently pending independent claims.

Claim 1 has been amended and now recites sending a reply message from the first cell radio access node to the SGSN, wherein the reply message comprises at least a copy of one of the data packets awaiting transmission to the mobile station and unable to be transferred to the second cell radio access node. Support for these amendments is found on page 9, line 26 to page 10, line 14 of the Applicant's specification. No new matter has been added.

*Landais* does not teach or suggest sending a reply message having a copy of the data packets which are awaiting transmission to the mobile station and unable to be transferred to the second cell radio access node **and** discarding the actual data

packets. Furthermore, the Examiner stated that Landais teaches the element of sending the reply message with a copy of these data packets. The Applicant respectfully disagrees. Landais merely discloses sending an acknowledgement of the receipt of the "FLUSH-LL" message. Landais not teach or suggest sending a copy of the data packets.

The Examiner stated that Muniere teaches when a cell update message is received from the mobile station, indicating the cell reselection has been effected successfully, the SGSN transmits a "FLUSH-LL PDU" message to the entity of the BSS controlling the old cell, in order to indication one or the other of the following two procedures: deletion of the LLC-PCU received by the entity controlling the old cell before transmitting the "RADIO Status PDU" message and not yet acknowledged if the LLC is operating in acknowledge mode, or transfer of these data units to the entity controlling the new cell. The Applicant respectfully calls to the attention of the Examiner that Muniere merely discloses using one of these two procedures, transferring or deleting and not both procedures. Furthermore, Muniere fails to teach sending a copy of the data packets to the SGSN.

Thus, the combination of Landais and Muniere fails to teach or suggest the step of sending a reply message having a copy of the data packets as recited in claim 1. Claims 18 and 25 contains limitations analogous to claim 1 and also are not taught or suggested by Landais and Muniere. Claims 1-6 and 8-12, 14-16 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Claims 20-24 depend from amended claim 18 and recite further limitations in combination with the novel elements of claim 18. Claims 26 and 28-29 depend from amended claim 25 and recite further limitations in combination with the novel elements of claim 25. Therefore, the allowance of claims 1-6, 8-16, 18, 20-26, and 28-29 is respectfully requested.

Claims 7 and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Landais in view of Muniere, and further in view of Kalliokulju, et al (US 2001/0017850 A1). The Applicant respectfully traverses the Examiner's rejections. The

Applicant has further amended independent claims 1 and 18 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

As discussed above, the combination of Landais and Muniere fails to teach or suggest the step of sending a reply message having a copy of the data packets as recited in claim 1. The addition of Kalliokulju does not make up the missing elements. Claim 18 contains limitations analogous to claim 1 and also is not taught or suggested by Landais, Muniere, and Kalliokulju. Furthermore, Claim 7 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Claim 19 depends from amended claim 18 and recites further limitations in combination with the novel elements of claim 18. Therefore, the allowance of claims 7 and 19 is respectfully requested.

Claim 17 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Landais in view of Muniere, and further in view of Haumont, et al (US 2001/0012279 A1). The Applicant respectfully traverses the Examiner's rejections. The Applicant has further amended independent claims 1 and 25 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention.

As discussed above, the combination of Landais and Muniere fails to teach or suggest the step of sending a reply message having a copy of the data packets as recited in claim 1. The addition of Haumont does not make up the missing elements. Claim 25 contains limitations analogous to claim 1 and also is not taught or suggested by Landais, Muniere, and Haumont. Furthermore, Claim 17 depends from amended claim 1 and recites further limitations in combination with the novel elements of claim 1. Claim 27 depends from amended claim 25 and recites further limitations in combination with the novel elements of claim 25. Therefore, the allowance of claims 17 and 27 is respectfully requested.

**4.) Prior Art Not Relied Upon**

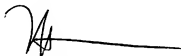
In paragraph 15 on page 18 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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